IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

RP.No. 675 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.15421/2007 Dated 18/06/2007
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REVIEW PETITIONER :

ABDUL SAMAD, AGED 34 YEARS, S/O HAMEED,
RESIDING AT TURUTTIPARAMBU, VAZHAKALA,
ERNAKULAM, ACTING AS THE CONVENOR,
MADEENA MASJID SAMRAKSHANA SAMITHI,
KOVILVATTOM ROAD, 64/7141, KOCHI-35.

BY ADV. SRI.R.V.SUJIT KUMAR
SRI.ABDUL JALEEL.A

RESPONDENTS:
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1. KERALA JAMATH-E-ISLAMI HIND,
REPRESENTED BY ITS DISTRICT PRESIDENT,
ISLAMIC CENTER, PULLEPADY, KOCHI-18.

2. BASHEER MUHIYUDEEN, AGED 35 YEARS,
S/O MOIDU MOULAVI, ISLAMIC CENTER,
KOCHI-18.

3. COCHIN ISLAMIC WELFARE TRUST,
REPRESENTED BY ITS CHAIRMAN P.K.HASHIM HAJI,
AGED 71 YEARS, S/O ABDUL RAHMAN, RESIDING AT
BONANZA, ARANGATH CROSS ROAD, PULLEPADY,
COCHIN-18.

4. C.V.IBRAHIM, AGED 65 YEARS,
S/O UMMER HAJI, SECRETARY,
COCHIN ISLAMIC WELFARE TRUST, PULLEPADY.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.T.U.ZIYAD
SRI.SUNIL V.MUHAMMED

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Kurian Joseph & T.R. Ramachandran Nair, JJ.

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R.P..NO.675/2007 in W.P.(C) No.15421/2007

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Dated this the 20th day of July, 2007

JUDGMENT

Kurian Joseph, J.

The review petition is at the instance of the first respondent in Writ Petition No.15421/2007 which was disposed of by judgment dated 18.6.2007 directing the civil court to dispose of I.A. NO.2326/2007 expeditiously. There was also a further direction to the effect that the interim order passed by this court on 23.5.2007 would continue till such time.

Taking note of the fact that the I.A. was pending before the civil court and wherein the writ petitioner himself had filed a petition to vacate the order, we directed the Munsiff's Court to dispose of the I.A. and maintain the interim order granted by this court, till such time. The faint argument now put forward is that the matter should have been considered by the Single Bench. No such argument was there at the time of disposal of the writ petition. That apart, it is a well settled position also that merely because a Single Bench matter was considered by the Division Bench, it cannot be said that there is jurisdictional error. Not only that there is no

error apparent on the face of the record, we are of the view that it is only in the interest of justice and balance of convenience that such an order was passed by this court in the facts and circumstances of the case.Learned counsel for the writ petitioner points out that the interlocutory application was heard by the Munsiff's Court on 16.7.2007 and the same is posted for orders today. It is unfortunate that the first respondent attempted to file a review petition at such stage. We do not also find any error apparent on the face of the record so as to review the judgment.

Thus, there is absolutely no merit or bonafides in the review petition. We dismiss the same with cost which we fix at Rs.5,000/-.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

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